

**United States District Court
Western District of Virginia
PACER EXEMPTION REQUEST**

The Electronic Public Access Fee Schedules of the Judicial Conference of the United States, issued in accordance with 28 U.S.C. §§ 1914 and 1930, authorize discretionary fee exemptions from the standard charges imposed by the Public Access to Court Electronic Records (PACER) service.

To qualify for a fee exemption, a petitioner must confirm that he, she or the organization for which the petitioner is applying on behalf of is a member of one of the following categories for whom exemptions may be granted:

- | | |
|---|--|
| <input type="checkbox"/> Court Official | <input type="checkbox"/> Section 501(c)(3) Not-for-Profit Organization |
| <input type="checkbox"/> Bankruptcy Case Trustee | <input type="checkbox"/> Court-Appointed Pro Bono Attorney |
| <input type="checkbox"/> Individual Researcher Associated with an Educational Institution | <input type="checkbox"/> Pro Bono ADR Neutral |
| <input checked="" type="checkbox"/> Indigent | <input type="checkbox"/> Court-Appointed Special Master |

Please briefly describe the basis for the exemption:

See attached BRIEF / MEMORANDUM IN SUPPORT OF PACER EXEMPTION REQUEST.

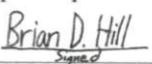
Additionally, the petitioner must agree to the following terms, by checking the appropriate boxes:

- That an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.
- That, if the petitioner is an individual researcher requesting an exemption, that the petitioner has shown that the defined research project is intended for scholarly research, that it is limited in scope, and that it is not intended for redistribution on the internet or for commercial purposes.
- That the user receiving the exemption must agree not to sell the data obtained as a result, and must not transfer any data obtained as the result of a fee exemption, unless expressly authorized by the court.

Finally, the petitioner should provide an estimate of the expected length of the exemption:

- The exemption will last until a date certain (please specify date: _____); and provide a reason for the length, for example, "pro bono attorney in case no. _____."
- The exemption will last for an indefinite period, as the need for the exemption is continuous.
Brian David Hill will not need the exemption once the case is completely dismissed and appeals exhausted.

If necessary, please provide additional information and explanation on an additional sheet.



Signature _____
Brian D. Hill

July 5, 2022

Date

Print Name: Brian David Hill
Address: 310 Forest Street, Apt. 2, Martinsville, Virginia 24112
Telephone: 276-790-3505
E-mail Address: rbhill67@comcast.net (c/o Roberta Hill)

In the United States District Court
For the Western District of Virginia

)
Brian David Hill,)
Petitioner,)
) Civil Action No. 7:22-cv-00336
v.)
)
Commonwealth of Virginia,)
Glen Andrew Hall, Esq.)
Respondent.)
)

**BRIEF / MEMORANDUM IN SUPPORT OF PACER EXEMPTION
REQUEST.**

Petitioner is Brian David Hill ("Petitioner") and is the Petitioner of the foregoing 2254 case. Files this request for PACER FEE EXEMPTION for the PACER.GOV account username: hillbrian_01 in this case with the Western District of Virginia. Needs the PACER fees exempted for purposes of access to pdf files of the entire case files. Roberta Hill created and operates this account for Brian Hill's behalf since Brian Hill cannot use the internet without permission. The specific circumstances and restrictions of Brian David Hill warrant special consideration by this Court when normally they do not consider such special consideration (Doc. #5). Special consideration is warranted here.

Brian David Hill the filer/Petitioner and Roberta Hill who controls and operates the PACER.GOV account of Brian David Hill on Brian's behalf because

Brian Hill is under a federal Supervised Release Condition where he cannot use the internet without permission, and thus Roberta Hill accesses Federal Court documents for this PACER account of Brian David Hill and for Brian David Hill for the purpose of acquiring court documents necessary for Brian David Hill in his case for citation of the case record, for the purpose(s) of any future appeal, and the cite court documents necessary in rebuttal to the Respondent(s). Citation of the record is necessary for litigation.

Brian David Hill agrees to follow the rules, regulations, policies, laws, and orders of the Court concerning the need to have the fees exempted in the PACER.GOV system concerning the Court in his request to be exempted from the PACER.GOV fees for all court documents in this case, in this U.S. District Court for purposes of reviewing documents received and served by other parties in this case concerning Brian David Hill.

Brian David Hill wasn't able to be granted E-Filing privileges because of not being allowed to use the internet due to U.S. Probation Office conditions on Brian David Hill and due to the Court not allowing a Power of Attorney or any online representative (Roberta Hill) to file electronically on Brian's behalf. See Document #5, Order. However, Brian Hill has a family member who operates the PACER.GOV account of Brian David Hill to access and acquire legal documents of his case necessary for the exact purpose(s) of citation, any appeals, and

rebuttal(s) in this case. The Clerk of this Court does not mail an entire copy of every CM/ECF filed pleading with Brian David Hill with the document numbers and page numbers. Only the Court Orders usually. Brian Hill needs copies of every filed court document in this case for the purposes of any citation of his case record in any rebuttal to the Respondent(s), for the purpose of any appeal whether interlocutory and/or appeal of the final decision of the Court, for exact citation to a specific page or document number of the record in future citations referenced by the Petitioner, Brian David Hill.

Brian Hill attaches a copy of the Power of Attorney document, again, to prove to this Court that Brian Hill is not using the internet in accessing the PACER.GOV account but was registered by Roberta Hill for the purpose of acquiring court documents from Petitioner's case to give to Petitioner directly so that he can use these documents for the purposes of any citation of his case record in any rebuttal to the Respondent(s), for the purpose of any appeal whether interlocutory and/or appeal of the final decision of the Court, for exact citation to a specific page or document number of the record in future citations referenced by the Petitioner, Brian David Hill.

The Clerk usually mails only Court Orders to Brian Hill. Brian Hill needs copies of the court case documents of the record after the filing and document number and page number for the purposes of litigating this case. It is impossible

without access to the pdf or paper copies of the entire court case files. It is necessary to prosecute this Petition, it is necessary that the case files must be given to Brian David Hill for free as a Petitioner to litigate this case.

See the attached power of attorney authorization is included with this pleading. Attached and redacted social security letter proving that Brian David Hill has a limited income as already brought up in the application to proceed in forma pauperis.

Brian D. Hill asks the Western District of Virginia give Brian David Hill PACER FEE EXEMPTION for Brian Hill to be able to have free copies of the pdf files of the Court documents / case files of his case to review pdf pleadings in this case for Brian David Hill's review. For PACER account: hillbrian_01. It is necessary for citation of a specific piece of evidence or a specific fact. It is necessary for if Petitioner or Respondent files any appeals, then Petitioner needs free court case documents of his case for the purpose of litigating any appeal in this case and defending against any appeal by the Respondent(s) in this case. Without free access, Petitioner may not be able to prosecute or defend in any rebuttal in this case, it will limit his access to the Court, violating his Due Process of Law, violating both substantial due process and procedural due process protections under the United States Constitution.

Here are the reasons why he needs a PACER FEE EXEMPTION and why Roberta Hill is acting on his behalf to access his PACER account since Brian David Hill is indigent, on a supervised release condition where he is not allowed to use the internet without permission, and has no attorney and cannot afford an attorney who would be exempted from PACER fees or the PACER fees would be part of the court appointed attorney fees. He needs Roberta Hill who is allowed to use the internet (not under federal supervised release conditions) to give him the pdf case files of this court case at no expense to Brian David Hill. He needs pdf copies of all court documents in his case as his case proceeds. He cannot litigate this case with the PACER.GOV fees. Especially upon any appeal entered by him or the other parties in this case. Future appeals also require that Brian David Hill have access to his case files in pdf documents, either way. Brian David Hill may not be able to afford access to the pdf documents by paper filing due to supply shortages. The Clerk will not simply send hundreds to thousands of pages from PACER to give to Petitioner throughout this litigation process. Petitioner is indigent and cannot afford the fees to obtain his own case files.

Any gas shortages may block him from access to any mailed paper filings by the Clerk. He may be in some cases blocked from being able to request access to his own case files in this case by the Court due to shortages, and in that case PACER fee exemption will be necessary due to rising inflation costs of postage and supply

shortages. To protect his due process rights under the U.S. Constitution, he needs access to his own federal case files, he is indigent and has a right to access his own case court documents necessary for this litigation, necessary for citation of the evidence and facts, necessary for any appeals, necessary for litigation, and it needs to be approved for the PACER.GOV fee exemption. Read the power of attorney authorization. Brian is not asking for Roberta Hill to be exempted from the PACER.GOV access fees, but Brian David Hill's PACER account registered and created by his caretaker Roberta Hill, as Power of Attorney, this PACER account is tied to the debit card for the bank account of Brian David Hill. Any fees associated with accessing his own case files will be detrimental to Brian's finances and may prevent him from continuing litigation, as he is indigent. Roberta Hill can access the internet and is not under any restrictions by the U.S. Probation Office. Brian Hill cannot access the internet; Roberta Hill can access the internet. That is why this request is specific to the circumstance and Power of Attorney was used. Denying this request deprives Brian David Hill of due process of law under the U.S. Constitution. It deprives Petitioner of his constitutional right to his legal case files. Necessary for the situation.

PACER account requiring authorization from the Court for PACER fee exemption is account: hillbrian_01.

1. It will be difficult for Brian David Hill to afford to pay the fees required for Roberta Hill to access court documents as requested by Brian Hill from this case for Brian Hill to review over them for purposes of this exact litigation, for purposes of appeal, and for purposes of exact citation of court filings and specific document pages all within this case. His only source of income is his SSI disability money. His monthly rent is \$500 a month. The costs of PACER.GOV fees are too much for Brian David Hill to afford when he has other life expenses, he has to pay for such as needs. SSI is needs based income. Prices across the country are skyrocketing due to inflation. Every page is \$0.10 and the State Court record is over 2,000 pages, Brian Hill knows because he has the copy of the entire state court record from his last appeal lodged with the Court of Appeals of Virginia. To obtain access to the State case files once they are filed with this Court for the purpose of his 2254 case, it will be over 2,000 pages and will cost an extreme amount from PACER.GOV, especially if a pleading is split into pieces. The State Court record is necessary for litigation, it is necessary for the 2254 motion. Also, the Attorney General will not be pleased with mailing over 2,000 pages to Petitioner. It would be better for PACER fees to be exempted for Brian David Hill.

2. Brian Hill cannot afford the PACER costs as this litigation starts up with summons and the judge making a decision on the Motion to proceed In Forma Pauperis, responses, motions from Respondent(s), etc etc. He is either going to have to be appointed an attorney to access the necessary pleadings on PACER.GOV or Brian David Hill will need to be approved for PACER fee exemption. Roberta Hill has to be the one to use the PACER.GOV account for Brian Hill to comply with his conditions of supervised release. The State Courts have no issues with Roberta Hill acting on his behalf, because they were made aware of Brian's condition of supervised release of not being allowed to use the internet without permission.
3. Brian Hill's grandparents Kenneth Forinash and Stella Forinash had been complaining last month, as is their right, that they are paying hundreds upon hundreds of dollars to PACER.GOV to pay for all pleadings of Brian David Hill's case, and they get those documents for Brian David Hill for his legal fights as he needs those documents on PACER so his family gets those documents for him at their own expense. However, they shouldn't have to pay PACER for Brian David Hill to get electronic copies of his own legal case files as he is entitled to his legal case files of his own case which he is a party to. Brian David Hill is either a plaintiff or criminal defendant or simply a petitioner. He is a party to the case and shouldn't have to ask his

grandparents to pay on PACER.GOV for every document Brian David Hill is entitled to access to those documents. Brian's grandparents are having to pay for hundreds of dollars for electronic pdf copies of Brian Hill's own pleadings he filed with the Court as well as the case files from his federal cases, those are documents he needs. He needs those pdf documents for keeping track of his case record, for proper citation of the specific evidence and specific pages of the record, and for purposes of any appeal or citation of the record in future pleadings. This makes no sense that his family is having to pay on PACER for Brian's own case files that he should have copies of in pdf format. Those are his pleadings, he has a right to copies of his court case filings in pdf format, he has a right to copies of his case records, and he has having to ask his grandparents to go on PACER.gov and pay hundreds upon hundreds of dollars to get Brian Hill's pleadings and other case files in his case despite the fact that as an indigent he is entitled to accessing his case files for free, if possible, all to litigate this case. He is in forma pauperis.

4. In the State Court, Brian David Hill had been allowed to not just file pleadings with the Virginia Courts by and through Roberta R. Hill who as filing representative and power of attorney files pleadings and legal documents with the Circuit Court for the City of Martinsville by email

address and with the Virginia Court of Appeals and Supreme Court of Virginia by usage of Virginia Appellate Courts Electronic System (VACES). Not just that but Brian Hill is given entire access to his State Court case files in PDF format for free without any fees for the purposes of appeal, in forma pauperis. The Court of Appeals of Virginia allows Brian to be given access to thousands of pages of his criminal case files of the court system without charging any fees because they understand and know that it is necessary for Brian David Hill to litigate his case in the State Courts. It is necessary and obvious that the Federal Court should also give all case files to Brian David Hill for free in PDF Format. The State Court does this, why not the Feds???

5. Brian David Hill is allowed access to a computer offline, has permission from the U.S. Probation Office to use this offline desktop computer. He can review over Portable Document Format (PDF) file documents without using the internet. Roberta Hill has authorization to use the PACER account of Brian David Hill to obtain the pdf files for Brian Hill to review his case pleadings while he retains his compliance with his supervised release conditions. His mother Roberta Hill can download any pdf documents from the State Court or Federal Court and give them to Brian David Hill as his power of attorney and online filing representative in the State Court.

6. Brian David Hill needs PDF file copies of all his pleadings, judge orders, and Respondent(s) pleadings in the court records in his own case. Including future pleadings. Brian needs those records in case of any appeal from either Brian David Hill or any appeal by the Respondent(s). Brian needs those records in case of any citation and reference of the record in this case. Brian needs copies with the document numbers and page numbers of each document of the record. Brian needs pdf copies of those records in cases of appeal. The clerk would be spending a lot of money mailing paper copies of every filed pleading with the document numbers and page numbers to Brian David Hill. It would be far cheaper and efficient for the Clerk to just allow Roberta Hill to use the PACER.GOV account of Brian David Hill for the purpose of obtaining all case file documents necessary for citation of the record, necessary for appeals, and necessary for responses. The state court record in the 2254 case is over 2,000 pages in the State Court's electronic pdf file record. It would be costly for the Clerk or Respondent(s) to mail over 2,000 pages to Brian David Hill to give him a copy of the state court record to be filed in future in this federal 2254 case, for Brian to cite the exact pages, the exact state pleadings, exact pieces of evidence, and citation of the state records necessary for making judgment(s) in this 2254 case.

7. Brian David Hill buys things he needs with what is left from his SSI disability money after paying \$500 rent. He cannot afford a large sum of payment to PACER. **He cannot litigate this case with a blindfold on his eyes.** He needs to know what document number and exact page numbers referencing the exact areas of the record necessary for litigating this case. Access to the record is essential for this case litigation.

The reason why Brian David Hill must use such a representative to go on PACER.GOV to create an account to access Brian Hill's own case files necessary for litigation, citation, and appeal(s) on behalf of Brian David Hill is because he is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill, and/or court business with any appointed attorney/lawyer, and/or court business with the Probation Officer in regards to Brian David Hill. Jason McMurray said Brian has a right to file pleadings, and has a right to his discovery materials, and will not stand in the way of Brian pursuing lawful litigation. Therefore, Roberta Hill has to be the one to access PACER.GOV on Brian's behalf for official court business such as accessing all necessary and essential documents and case files needed for litigation, citation of the record, and appeal(s). Brian has authorized her to access his case files and download the pdf files and give them to

Brian Hill. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill and/or Stella Forinash and Kenneth Forinash

Brian David Hill as the party to a case agrees to have access to his case files responsibly. Brian David Hill needs pdf files access to his already-filed case files and future case filings, it is necessary for litigation, referencing and citation, and appeals.

Respectfully filed with the Court. This the 6th day of July, 2022.

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill

Signed

Brian D. Hill (Pro Se)
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with Q – Drain the Swamp
I ask Q for Assistance (S.O.S.)
Make America Great Again
JusticeForUSWGO.wordpress.com
USWGO.COM
JUSTICEFORUSWGO.NL

Petitioner also requests with the Court that a copy of this pleading be served upon the Respondent(s) as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the Respondent(s) via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

Attorney General Office for the Respondent: Commonwealth of Virginia can be emailed to Secretary Chris Coen at ccoen@oag.state.va.us.

Commonwealth Attorney Office for the Respondent: Commonwealth of Virginia can be emailed to Glen Andrew Hall, Esq. at ahall@ci.martinsville.va.us.